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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,705	03/29/2004	Satoshi Shibata	119286	9052
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EXAMINER				
GRANT II, JEROME				
ART UNIT		PAPER NUMBER		
2625				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/810,705

Applicant(s)

SHIBATA, SATOSHI

Examiner

Jerome Grant II

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-23 and 27 is/are rejected.
- 7) ☒ Claim(s) 17 and 24-26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date 4-07, 2-07, 3-04

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Detailed Action

Misspellings:

at claim 6, line 3 “discernable” is misspelled;

at claim 7 “states” is misspelled;

at claim 16 “states” is misspelled.

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-10, 15, 16, 18, 22, 23 and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Hull.

With respect to claim 1, Hull teaches a communication apparatus 100, comprising: a communication unit 102 that communicates with other communication apparatus; a detector 104 that detects a communication status of the communication unit as claimed; a light emitting device 126 for emitting lights in a plurality of visually discernable ways; a controller (combination of element 104 and 110) that controls the light emitting state of the light emitting device according to the status of the detector.

With respect to claim 2, Hull teaches wherein the communication unit issues a call in accordance with the operation input to the operation unit (elements 105 and 127 in combination).

With respect to claim 3, Hull teaches wherein the controller 104+ 110 controls the light emitting state of the light emitting device(126) in accordance with the status of detector 104.

With respect to claim 4, Hull teaches detecting a signal and its type. The type of signal is referred to at para. 28, lines 9-12. See also paragraph 25. Here, the type of signal is email, sms or voice mail. Hall teaches the controller controls the light emitting state in accordance with the type of signal determined by the detector. See col. 23, lines 20-25.

With respect to claim 5, Hul teaches detecting the type of signal by looking at the frequency (age) of the signal. See para. 28, last three lines.

With respect to claims 6, 9 and 15, Hull teaches a plurality of color coded states that are visually discernable. See paragraph 30, lines 6-13.

With respect to claims 7, 10 and 16, Hull teaches controlling a plurality of brightness states (corresponds to blinking and flashing), see the bottom of para. 30. See also para. 33, lines 1-4.

Hull teaches wherein the controller controls the brightness state of the light emitting device in accordance with the type of signal determined by the detector. See para 33, lines 1-4.

With respect to claim 8, Hull teaches detecting a signal input to the communication unit and determines a signal level which is discerned as 9intermediate, new or old) see para. 50, lines 6-16. and see also para 51, wherein the lights are controlled in accordance with the signal level of the signal determined by the detector.

With respect to claim 18, Hull teaches setting input unit 105 + 127 to which a user inputs instructions for setting a condition of the lights, wherein the controller 104 + 110 changes the states of the light in accordance to how they were set.

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With respect to claim 22, Hull teaches communicating with image data, see para. 25, where e-mails comprise image data.

With respect to claim 23, Hull teaches communicating with facsimile data as image data. See Short-message-service or e-mail which also is a type of facsimile data.

With respect to claim 27, Hull teaches a facsimile machine 100, comprising:

a communication unit 102 that communicates with other communication apparatus; a detector 104 that detects a communication status of the communication unit as claimed; a light emitting device 126 for emitting lights in a plurality of visually discernable ways; a controller (combination of element 104 and 110) that controls the light emitting state of the light emitting device according to the status of the detector.

2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11 -14 and 19 -21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hull further in view of Kobayashi.

With respect to claim 11, Hull teaches all of the subject matter as relied upon for the rejection of claim 1 above.

Hull does not discuss specifically, the use of DTMF signals.

Kobayashi teaches the use of a modem 41 as provided in figure 5. It is well known in the art that modems communicate using a dual tone multi-frequency with other communication apparatus over a network. Hence, the modem communicates using a plurality of low and high type of frequency signals and one of ordinary skill in the art, would have recognized this.

Since modems are used in communication devices to communicate over a network to another communication device, it would have been obvious to use a modem in the transceiver device 102 for the purpose of using DTMF signals would have been recognized by one of ordinary skill in the art.

With respect to claim 12, the combination of Hull and Kobayashi would have also made obvious the use of modulators since the modem is a modulation device. It is used to distinguish different frequencies used to communicate between sending and receiving devices.

With respect to claim 13, Hull teaches a plurality of color coded states that are visually discernable. See paragraph 30, lines 6-13.

With respect to claim 14, Hull teaches controlling a plurality of brightness states (corresponds to blinking and flashing), see the bottom of para. 30. See also para. 33, lines 1-4.

Hull teaches wherein the controller controls the brightness state of the light emitting device in accordance with the type of signal determined by the detector. See para 33, lines 1-4.

With respect to claim 19, Hull teaches a detector for determining the status of lights and communication as it relates to the lights. See para. 23. However, Hull does not specifically refer to detecting a communication speed.

However, Kobayashi teaches the user of a modem 41 and it is well known in the art of image communication that a modem detects the speed of the incoming communication and sends a signal back to the transmitter confirming the ability to received communication signals at the communication speed desired by the transmitter. If the modem, at the receiver, is incapable of communicating at the transmitting speed, the modem sends a fall back signal for the transmitter to begin transmitting at a lower baud rate. This fallback of the transmission rate (communication speed) occurs until the error rate in the transmission is detected as being below an acceptable level.

The motivation for this rejection is also the same as that found in claim 11.

With respect to claim 20, Hull teaches a plurality of color coded states that are visually discernable. See paragraph 30, lines 6-13.

With respect to claim 21, Hull teaches controlling a plurality of brightness states (corresponds to blinking and flashing), see the bottom of para. 30. See also para. 33, lines 1-4.

Hull teaches wherein the controller controls the brightness state of the light emitting device in accordance with the type of signal determined by the detector. See para 33, lines 1-4.

Claims Objected As Containing Allowable Matter

3. Claims 17 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jerome Grant II/

Primary Examiner, Art Unit 2625

